

11 JUN 1986

"J"

STAT [] called. He would like a copy of
a memo (if we have a copy) from Leahy dated
20 May '86 pertaining to role Intelligence Oversight
Committee could play in Libya -- without compromising
STAT sources and methods. [] had rec'd a ltr from
DoD citing this reference and ICS did not have a
copy.

The attached is the memo I came up with.

Do you agree to send a copy to ICS ✓

disagree

JOAN

**EXECUTIVE SECRETARIAT
ROUTING SLIP**

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	EXDIR				
4	D/ICS				
5	DDI				
6	DDA				
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC		X		
11	IG				
12	Compt				
13	D/OLL		X		
14	D/PAO		X		
15	D/PERS				
16	VC/NIC				
17	ER				
18					
19					
20					
21					
22					
SUSPENSE		Date			

Remarks (Please note: Sen Leahy provided this copy after the fact)

Executive Secretary

2 June 1986

Date

3637 (10-81)

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May 20, 1986

Executive Registry

86- 2415X

The Honorable George Shultz
The Secretary of State
2201 C Street NW
Washington, DC 20520

Dear George:

I would like to follow up on an idea you and I discussed following the Libya raid.

In making public information derived from sensitive intelligence sources to establish the connection between Colonel Khadafy and the terrorist bombing in West Berlin, the President was clearly within his authority. His self-evident purpose was to demonstrate conclusively to Congress, the American people, our allies and the entire world Colonel Khadafy's guilt.

At the same time, I am convinced there are other ways by which the credibility of such charges can be established without having to reveal, and thereby lose, vital intelligence sources. These very sources might have served to warn us of future terrorist attacks aimed at Americans. What is needed is a means independent of the Executive Branch which can publicly confirm the President's conclusions, but without having to reveal the intelligence upon which they are based.

In my view, this mutual goal of protecting intelligence sources and methods could be accomplished by having the House and Senate Intelligence Committees examine the intelligence in secrecy, assess it, and come to their own conclusions. Presumably, these will parallel those of the President. The leaders of these two Committees could then declare publicly that their assessment of the intelligence confirms the judgment of the President. Neither he nor the Intelligence Committees

DCI
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The Honorable George Shultz
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would go any further in demonstrating the basis for their parallel conclusions. Joint confirmation by the President and the two Intelligence Committees should obviate any need to release intelligence information.

I would be happy to discuss this idea with you further should you wish.

Sincerely,



PATRICK LEAHY
Vice Chairman

PL/j

Enclosure

bcc: The Honorable William Casey
Director, Central Intelligence Agency
Washington, DC 20505

THE NEW YORK TIMES, WEDNESDAY, APRIL 16, 1986

The New York Times

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The Bombs of April

A spiral of violence . . . a ladder of escalation . . . a slippery slope plunging inevitably toward wider war: it was the morning after the raid on Libya and audible amid the expressions of sober satisfaction were undercurrents of concern. The Senate majority leader, Bob Dole, said: "It's my view that once you start down this road, there's no turning back." The minority leader, Robert Byrd, asked, "Are we going to do this again and again?" Would the Bombs of April, like the Guns of August of 72 years ago, lead uncontrollably to much worse?

The slope is surely slippery, but it is not inevitable. On the contrary, the rush to generalize misses the first lesson that society should have learned from two decades of terrorist acts: take them case by case. There is no single road to turn back from. Countries cannot — should not — respond to every terrorist act with force.

Sometimes, the right response is negotiation — as in 1980 when the United States Ambassador to Colombia and 15 other hostages were released after two months. Sometimes there's nothing to be done except stand back in frustration, as with the six American hostages still held in Lebanon. Sometimes the only way to be strong is to be patient, recognizing that to lash back with unfocused anger is to commit a perverse reverse terrorism.

But sometimes, clear conditions permit and even require a forceful response, as they did in this case:

1. *Was the terrorist act sponsored by a government?* Yes. The April 5 bombing of the West Berlin disco, in which two were killed and 230 injured, was not the work of some shadowy revolutionary faction but of agents commanded by Libya's Colonel Qaddafi. He has for years financed, sheltered and applauded terrorists who have mined harbors, gunned down air passengers, blown up airliners and otherwise attacked the West.

2. *Is the evidence clear?* Yes. The United

States' documentation of a Libyan plot to bomb the disco has persuaded dubious foreign governments and skeptical members of Congress. "It's the kind of proof I'd go to court with," says Senator Patrick Leahy, Vermont Democrat, a former prosecutor.

3. *Have other remedies been exhausted?* Yes. The surest response would be joint action — and for months that has been America's goal. Let us, we have asked our European allies, impose joint economic sanctions on Colonel Qaddafi; at least let us bar his commercial air traffic. For months the typical reaction has been: "You can't ask that. We do a lot of business there!" Through the last week, the United States appears to have walked the last mile in search of alternatives to military action.

4. *Is the response proportionate to the terrorist act?* Probably, though it's too early to be sure. For all the easy clichés about "surgical strikes," bombing raids are hard to control. This one exacted some painful costs — the evident loss of an F-111, damage to the French Embassy, the reported death of Colonel Qaddafi's adopted infant daughter. But the targets chosen by the Pentagon seemed appropriate — terrorist headquarters and training bases and military airfields.

5. *Beyond retribution, is the attack likely to further a constructive goal like deterring terrorism?* Yes, and not only by Libyans. If Colonel Qaddafi intends to continue his terror agenda, he knows it will now be harder, and costlier. Other governments that sponsor or tolerate terrorists, Syria for instance, will have to recalculate the cost.

For the United States to have failed to act when all these conditions were clearly met would have said to the world: "Go ahead. Shoot. Bomb. Kill. This tiger never bites." There have been times in the shadow war of terror when the tiger could do no more than snarl and twitch his tail — and there will be others. On Monday, for once, America could justifiably send a different message. This tiger bites.